

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated February 4, 2010 has been received and its contents carefully reviewed.

Applicants appreciate and thank Examiner Perrin for the courtesies extended to Applicants' representative during the April 30, 2010 telephone interview with the Examiner. The substance of the interview is set forth below and constitutes a record of the interview.

Claims 18 and 25 are hereby amended and claims 1-17 were previously canceled without prejudice or disclaimer of the subject matter contained therein. No new matter has been added. Accordingly, claims 18-33 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office rejects claims 18-21, 25, and 27-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,620,014 to Milocco et al. (hereinafter "Milocco") or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Milocco. The rejection is respectfully traversed.

As discussed during the interview, amended independent claims 18 and 25 recite, among other features, the sump housing includes a first bottom surface that is lower than the upper end thereof and receives at least one of a valve and sensor thereon; and a second bottom surface that defines the heater receiving portion and is lower than the first bottom surface.

Milocco does not disclose or suggest the above-noted features of claims 18 and 25.

The Office Action at page 5 asserts that Milocco discloses casing part 18 and filter 16 defining a housing around the bottom of the tub, which cumulatively reads on a "sump." While Applicants may not be necessarily agree with this assertion, claims 18 and 25 have been amended to recite features that are neither disclosed nor suggested by Milocco.

Accordingly, Applicant respectfully submits that independent claims 18 and 25 recite patentable subject matter. It stands to reason that claims 19-21 and 27-30, which variously depend from claims 18 and 25, are also patentable distinguishable for at least the same reasons.

The Office rejects claims 22-24 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Milocco. The rejection is respectfully traversed.

Claims 22-24 and 31-33 are allowable in that they variously depend from independent claims 18 and 25. As discussed above, Milocco fails to disclose or suggest all the features of claims 18 and 25.

The Office rejects claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Milocco in view of U.S. Patent No. 5,165,433 to Meyers et al. (hereinafter “Meyers”). The rejection is respectfully traversed.

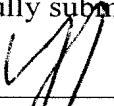
Claim 26 is allowable in that it depends from independent claim 25. As discussed above, Milocco fails to disclose or suggest all the features of claim 25. Meyers fails to cure the deficiencies of Milocco. In fact, Meyers is merely cited for a purported teaching of a vertical motor shaft. Office Action at page 8.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By 

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